

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**DATATERN, INC.,**

**Plaintiff**

**vs.**

**1. UNITED AIR LINES, INC.;**  
**2. UAL CORPORATION;**  
**3. AMERICAN AIRLINES, INC.;**  
**4. AMR CORPORATION;**  
**5. AMERICAN EXPRESS COMPANY;**  
**6. DISCOVER FINANCIAL SERVICES,**  
**INC.;**  
**7. HERTZ CORPORATION;**  
**8. AVIS BUDGET GROUP, INC.;**  
**9. WELLS FARGO & COMPANY; and**  
**10. WELLS FARGO BANK, N.A.,**

**Defendant.**

**Civil Action No. 2:09-cv-53**

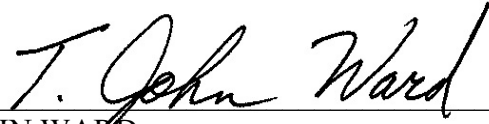
**JURY TRIAL DEMANDED**

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**ORDER OF DISMISSAL WITH PREJUDICE**

Plaintiff DataTern, Inc. and Defendant American Express Company have notified the Court that they have resolved this dispute and have requested dismissal of all claims and counterclaims asserted in this action. It is therefore ORDERED that all claims brought by Plaintiff DataTern, Inc. and all counterclaims brought by Defendant American Express Company are hereby dismissed with prejudice to the refiling of the same. Each party shall bear its own attorneys' fees and costs.

SIGNED this 12th day of August, 2009.

A handwritten signature in black ink, reading "T. John Ward". The signature is written in a cursive style with a large, stylized "T" and "W".

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T. JOHN WARD

UNITED STATES DISTRICT JUDGE